



General Assembly

January Session, 2009

Committee Bill No. 5827

LCO No. 3261

03261HB05827GAE

Referred to Committee on Government Administration and
Elections

Introduced by:
(GAE)

**AN ACT CONCERNING THE RECALL OF MUNICIPAL ELECTED
OFFICIALS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) Any municipality may,
2 by ordinance adopted by its legislative body or in any town in which
3 the legislative body is a town meeting, by the board of selectmen,
4 provide for the recall of any elected official of a municipality, provided
5 such ordinance complies with the provisions of this section.

6 (b) Any such ordinance shall provide for the recall of any elected
7 official of the municipality for any of the following reasons: (1)
8 Misappropriation of public property or funds, (2) violation of the oath
9 of office, (3) any felony conviction, (4) any act of malfeasance that
10 adversely affects the rights and interests of the public, and (5) failure to
11 perform any duty prescribed by law.

12 (c) No such ordinance shall authorize the recall of such an elected
13 official during the first one hundred twenty days of such official's term
14 or during the final one hundred twenty days of such official's term.

15 (d) Such ordinance shall authorize any three residents of such
16 municipality who are electors to initiate the recall of such elected
17 official by filing a joint affidavit with the town clerk of the
18 municipality which: (1) States the name of such elected official, (2)
19 requests recall petition forms, (3) attests that such electors, in good
20 faith, desire and propose to file a petition for the recall of such elected
21 official, and (4) contains a detailed statement of the grounds alleged for
22 such recall. Upon the filing of such affidavit, the town clerk shall issue
23 recall petition forms to such residents. Any resident of the
24 municipality who is an elector may sign said petition.

25 (e) The Secretary of the State shall prescribe the form of the recall
26 petition described in subsection (d) of this section and such petition
27 shall be available from the town clerk of any municipality that
28 authorizes the recall of such elected officials. The recall petition form
29 shall include a space for the name and office of the official whose recall
30 is sought, a space for the electors who are initiating such recall to
31 indicate the grounds for such recall, a statement that the purpose of the
32 petition is to seek a referendum on the recall of such official, a
33 statement of instructions to persons circulating the petition, lines for
34 the signatures, street addresses and dates of births of persons signing
35 the petition, spaces for the time and date on which the completed
36 petition is filed with the town clerk and spaces for the information
37 required under subsection (f) of this section concerning the circulation
38 of the petition.

39 (f) Such ordinance shall provide that each circulator of a recall
40 petition page shall be a resident of such municipality and an elector.
41 Each separate page of such petition shall contain a statement as to the
42 authenticity of the signatures on the petition and the number of such
43 signatures, and shall be signed under the penalties of false statement
44 by the circulator of the petition page, setting forth such circulator's
45 address and attesting that each person whose name appears on such
46 sheet signed the same in person in the presence of such circulator, that
47 the circulator either knows each such signer or that the signer

48 satisfactorily identified the signer to the circulator. Each separate sheet
49 of such petition shall also be acknowledged before an appropriate
50 person as provided in section 1-29 of the general statutes.

51 (g) Such ordinance shall provide that any person who signs a name
52 other than the person's own to a recall petition or who signs a name
53 other than the person's own as circulator of said petition shall be fined
54 not more than one hundred dollars or imprisoned not more than one
55 year, or both.

56 (h) Such ordinance shall provide that no petition for the recall of an
57 official shall be effective unless filed with the town clerk not later than
58 four o'clock p.m. on the sixtieth calendar day after the town clerk
59 issues petition forms for such recall under subsection (d) of this
60 section. Upon the filing of a recall petition, the town clerk shall sign
61 and give to the person so submitting a page or pages of such petition a
62 receipt indicating the number of such pages filed and the date and
63 time when such pages were filed. The town clerk shall forthwith
64 transmit the petition to the registrars of voters of the municipality who
65 shall forthwith certify on each such petition page the number of
66 signers on the page who are electors in the municipality. In the
67 checking of signatures on recall petition pages, the registrars shall
68 reject any name if such name does not appear on the last-completed
69 active registry list in the municipality. The registrars shall not reject
70 any name for which the street address on the petition is different from
71 the street address on the registry list, if the person's date of birth, as
72 shown on the petition page, is the same as the date of birth on the
73 person's registration record. Each petition page shall contain a
74 statement signed by a registrar of voters of said municipality attesting
75 that the circulator is a resident of said municipality and an elector.
76 Unless such a statement by a registrar appears on each page so
77 submitted, the registrars shall reject such page. Any page of a petition
78 that does not contain a statement by the circulator as to the
79 authenticity of the signatures on the page, or upon which the
80 statement of the circulator is incomplete in any respect shall be rejected

81 by the registrars. The registrars shall also reject any page of a petition
82 they determine to have been circulated in violation of any other
83 provision of this section. The registrars shall complete their verification
84 of petition signatures and return the petition with their certifications to
85 the town clerk not later than seven calendar days after the petition is
86 filed with the town clerk.

87 (i) If, upon receiving a recall petition from the registrars of voters
88 under subsection (h) of this section, the town clerk determines that the
89 number of valid signatures on the petition is at least: (1) Thirty per cent
90 of the total number of electors whose names appear on the active
91 registry list of said municipality for a municipality with a population
92 of less than one thousand persons, (2) twenty-five per cent of the total
93 number of electors whose names appear on the active registry list of
94 said municipality for a municipality with a population of not less than
95 one thousand persons but not more than nine thousand nine hundred
96 ninety-nine persons, (3) twenty per cent of the total number of electors
97 whose names appear on the active registry list of said municipality for
98 a municipality with a population of not less than ten thousand persons
99 but not more than forty-nine thousand nine hundred ninety-nine
100 persons, (4) fifteen per cent of the total number of electors whose
101 names appear on the active registry list of said municipality for a
102 municipality with a population of not less than fifty thousand persons
103 but not more than ninety-nine thousand nine hundred ninety-nine
104 persons, or (5) ten per cent of the total number of electors whose names
105 appear on the active registry list of said municipality for a municipality
106 with a population of not less than one hundred thousand persons, as
107 applicable, (A) the town clerk shall forthwith certify the petition and
108 submit said certification to the legislative body of the municipality,
109 and (B) said legislative body shall, not later than seven days after
110 receipt of said certification, order a referendum to be held on the recall
111 of such elected official of the municipality not later than thirty days
112 after receipt of said certification.

113 (j) Any recall referendum conducted pursuant to this section shall

114 also be conducted in accordance with the provisions of chapter 152 of
 115 the general statutes, provided such referendum shall only be valid if
 116 twenty-five per cent or more of the number of electors whose names
 117 appeared on the active registry list of said municipality at the time of
 118 the last municipal election vote in such referendum. The form of the
 119 question to be used on the voting machine ballot labels and absentee
 120 ballots at said referendum shall be "Shall (name of the official and
 121 office) be recalled?" If, upon the official determination of the results of
 122 such vote, a majority of all the votes cast are in approval of the
 123 question, the elected official's office shall be vacant and shall be filled
 124 in accordance with the applicable provision of state or municipal law
 125 concerning the filling of vacancies in said office.

126 (k) The provisions of this section shall not apply to any municipality
 127 for which state or municipal authority exists on the effective date of
 128 this section for the recall of an elected official of the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2009	New section

Statement of Purpose:

To authorize municipalities to enact ordinances that provide for the recall of elected municipal officials under certain circumstances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. AYALA, 128th Dist.

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